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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,705	02/25/2002	Gerhard Rueckert	4299/PCT	3988

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FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN, ME 04444-0726

EXAMINER

HORTON, YVONNE MICHELE

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/069,705	Applicant(s) RUECKERT, GERHARD	
	Examiner Yvonne M. Horton	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21, 25, 26, 28-44 and 46-48 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21, 25, 26, 28-41 and 46-48 is/are allowed.
- 6) ☒ Claim(s) 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 44 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,471,548 to GOUDIE in view of US Patent #5,014,484 to TANIZAWA et al. or US Patent #4,667,451 to ONODA. GOUDIE discloses the use of a variable support structure with a modular construction consisting of at least one collapsible support structure module, which is bounded by joints (10,12,20,22) of a first joint set, which are corner joints of the support structure module and lie in a first surface (FS), and by joints (14,16,24,26) of a second joint set, which are corner joints of the support structure module and lie in a second surface (SS), and with at least one joint (70,82,90) of a third joint set, which lies outside of the first surface and not located at a corner, whereby at least a portion of the joints of the first and second joint set is constrained and fixable in its position relative to one another, especially connectable with one another, by a guide mechanism (60,62,64,66) including scissor arrangements (40,42); (44,46); (50,52); and (54,56), characterized in that, one joint (70) of the third joint set is connected with at least two joints (10,12) and (14,16) of the first and second joint set, respectively, by a connecting elements (72,74) and (76,78) and is arranged below a lowermost joint (10,12) among the joints of the first joint set (10,12,20,22). GOUDIE discloses the basic claimed structure except he does not specify that the connection elements are tension only. Although GOUDIE is silent in this regard, he does mention that his connection elements are rigid. Rigidity implies the ability to encounter tension

forces. Hence, although GOUDIE does not detail that the connection elements are tension-only, it would have been obvious from one having ordinary skill in the art at the time the invention was made that GOUDIE includes joint connections that transmits essentially only tension forces. A framework should only have enough rigidity to prevent it from being distorted or twisted, but enough rigidity that would allow it to stand and be contracted for storage. Thus, at certain intervals during applied forces each element carries tension forces. The use intended for the structure would dictate or govern if any or all of the connection members would have the ability to be tension-only connections. The connection members determine the load distribution points and depending upon where and how the loads are required or needed to be carried or compromised would determine where, if anywhere, tension-only members would be disposed. Further, GOUDIE discloses the basic claimed structure except for the tension member being wire or cable. Both TANIZAWA and ONODA teach the use of cables/wires (27,28,30) and (20,22,32,34). It would have been obvious to one having ordinary skill in the art to provide the unit of GOUDIE with the tension member of either TANIZAWA or ONODA in order to control the stability of the unit. If a stern unit is needed perhaps less cables/wires would be used; however, if it is desired for the unit to have a bit of flexibility perhaps more wires/cables are appropriate. Regarding claim 43, at least joints (10,14) include at least one of said first joints (10) and at least one of the second joints (14).

Allowable Subject Matter

Claims 21,25-26,28-41 and 46-48 are allowed.

Claim 44 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Response to Arguments

Applicant's arguments with respect to claims ^{42 f 43} [REDACTED] have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
Art Unit 3635
2/16/05